

September 18, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

08SN0106

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and  
Dianna M. Waters

Midlothian Magisterial District  
North line of Midlothian Turnpike

REQUEST: Rezoning from Residential (R-7) to Convenience Business (C-1) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Commercial uses are planned. Exceptions are requested to eliminate required side yard setbacks for buildings, parking and driveways.

RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land uses do not conform to the Midlothian Area Community Plan which suggests the property is appropriate for office and higher density residential uses as part of a Village Fringe Area.
- B. There has been no demonstrated need for the setback exceptions.

(NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.

B. IT SHOULD BE NOTED THAT AMENDMENTS TO THIS CASE WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES"

SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

#### PROFFERED CONDITIONS

1. Utilities - the public waste water system shall be used. (U)
2. Dedication - Prior to any site plan approval, forty-five (45) feet right of way on the north side of Midlothian Turnpike (Route 60), measured from the centerline of that part of Route 60 immediately adjacent to the property, shall be dedicated free and unrestricted to and for the benefit of Chesterfield County. (T)
3. Access Route 60 - Direct vehicular access from the property to Route 60 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement acceptable to the Transportation Department shall be recorded across the property to provide shared use of this access with adjacent properties to the east and west. (P)

#### GENERAL INFORMATION

##### Location:

North line of Midlothian Turnpike, west of Village Mill Drive. Tax ID 727-708-7371.

##### Existing Zoning:

R-7

##### Size:

1.3 acres

##### Existing Land Use:

Vacant

##### Adjacent Zoning and Land Use:

North, East and West– R-7; Single family residential  
South – C-3; Commercial

## UTILITIES

### Public Water System:

There is an existing sixteen (16) inch water line extending along the north side of Midlothian Turnpike within an easement across the request site. The public water system is available to serve this site. Use of the public water system is required by County Code.

### Public Wastewater System:

There is an existing eight (8) inch wastewater collector line recently installed with the Jefferson Green development that terminates approximately 465 feet east of this site. Use of the public wastewater system is intended. (Proffered Condition 1)

## ENVIRONMENTAL

### Drainage and Erosion:

The subject property drains to the southeast to Route 60 and then via storm sewers to tributaries of Falling Creek. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development.

## PUBLIC FACILITIES

### Fire Service:

The Midlothian Fire Station, Company 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have a minimal impact fire and EMS.

### Transportation:

The subject property is approximately 1.3 acres located east of the Midlothian Turnpike (Route 60) and Charter Colony Parkway intersection. The applicant is requesting a rezoning from Residential (R-7) to Convenience Business (C-1).

This request will not limit development to a specific land use; therefore it is difficult to anticipate traffic generation. Based on trip rates for a shopping center, development could generate approximately 1,800 average daily trips (ADT). Traffic generated by this development will be distributed along Route 60. Route 60 had a 2006 traffic count of 39,907 vehicles per day between Winterfield Road and Old Buckingham Road. Based on the current volume of traffic it carries during peak hours, Route 60 in this location is a four-lane highway that accommodates (Level of Service D) the volume of traffic it currently carries. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). The Thoroughfare Plan identifies Route 60 as a major arterial with a recommended right-of-way of ninety (90) feet. Forty-five (45) feet of right-of-way, measured from the centerline of Midlothian Turnpike, should be dedicated in accordance with that Plan. The applicant has proffered to provide right-of-way dedication in accordance with the Thoroughfare Plan (Proffered Condition 2).

Access to major arterials, such as Route 60, should be controlled. The applicant has proffered to limit vehicular access to one (1) entrance/exit point along Route 60 and provide an access easement to ensure shared access with the properties to the east and west (Proffered Condition 3).

Staff has not suggested the applicant provide any road improvements because widening Route 60 in this area conflicts with the spirit and intent of the Midlothian Area Community Plan. The Midlothian Area Community Plan recommends enhancement of Midlothian by maintaining its “Village” characteristics and specifically states: “Potential for widening Route 60 is limited between Old Buckingham and Winterfield Roads.”

VDOT’s “Chapter 527” regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT’s regulations will have on the development process or upon zonings approved by the county.

At time of site plan review, specific recommendations will be provided regarding access and internal circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Midlothian Area Community Plan which suggests the property is appropriate for office and higher density residential uses as part of a Village Fringe Area.

### Area Development Trends:

Adjacent properties to the north, east and west are zoned Residential (R-7) and are occupied by single family residences or are currently vacant. Property to the south is zoned Community Business (C-3) as part of the Midlothian Village commercial/office park. It is anticipated that future retail activities will be concentrated within the Village Shopping District and Village Square to the east, with office and higher density residential west of this service core providing transition to neighboring residential developments located north and south of the Corridor, as suggested by the Plan.

Uses:

With approval of this request, all uses permitted by right or with restrictions in the Convenience Business (C-1) District would be permitted. The applicants have indicated an intent to develop office space, flower shops and/or day spa on the subject property.

Development Standards:

The request property lies within the Midlothian Village Fringe area of the Midlothian Village District. The purpose of the Village District standards is to recognize unique villages within the County and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing patterns of development. Development of the site must conform to the requirements of the Zoning Ordinance which address street lights, street tree plantings, access, parking landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

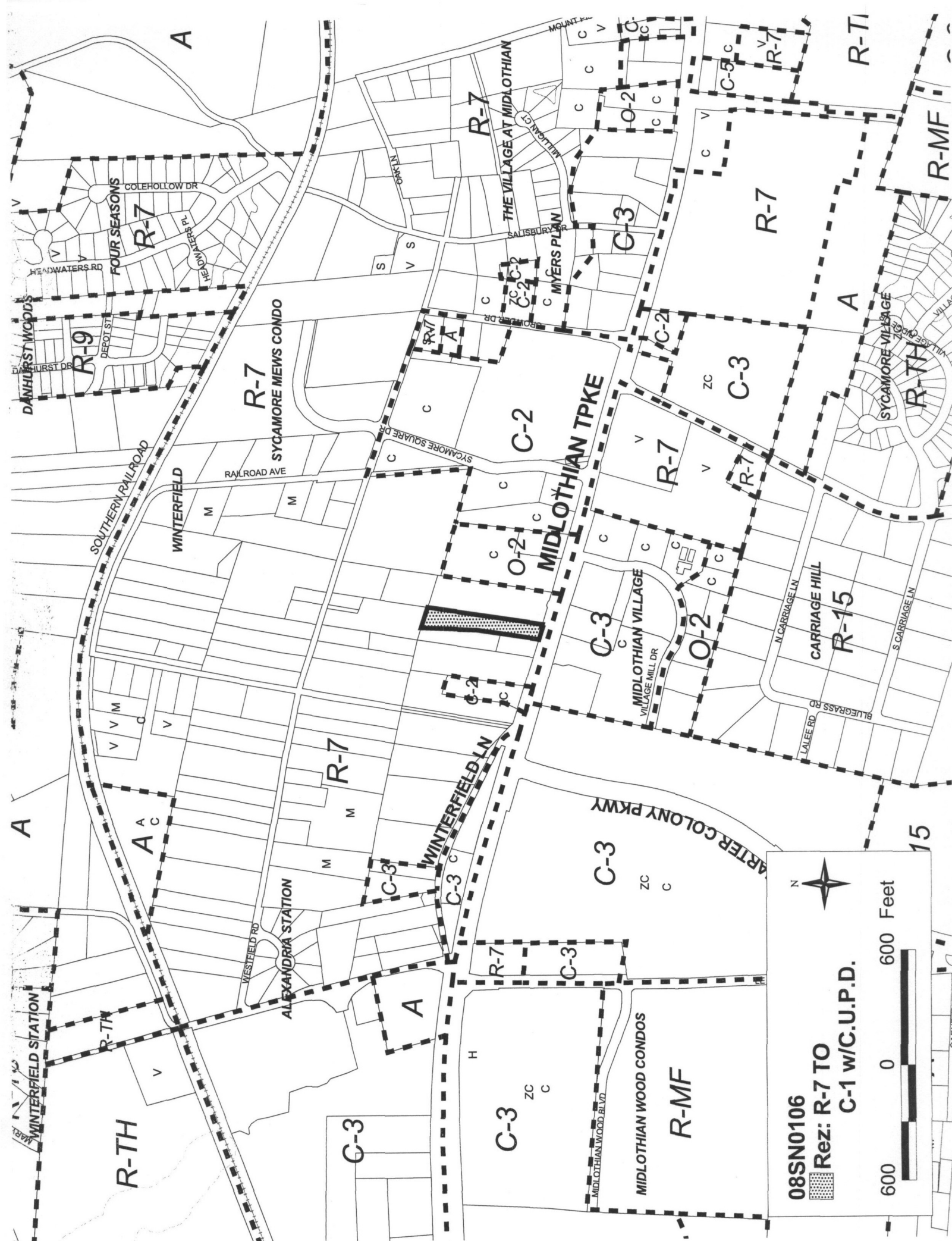
With the Midlothian Village Fringe area, the Ordinance requires that buildings, parking and driveways maintain a minimum side yard setback of thirty (30) from adjacent residentially zoned properties, with the installation of perimeter landscaping. This setback may be reduced to ten (10) feet when adjacent to commercial, office or industrial districts. The applicant has requested an exception to eliminate this side yard setback from neighboring residentially-zoned properties. Although the property is very narrow, aggregation with adjacent properties would accommodate these minimum setbacks while maintaining perimeter landscape requirements and alleviating overcrowding of the proposed improvements. Since a specific development plan has not been submitted, there is no demonstrated need for the requested exceptions. As such, staff cannot support this requested setback exception.

CONCLUSION

The proposed zoning and land uses do not conform to the Midlothian Area Community Plan which suggests the property is appropriate for office and higher density residential uses as part of a Village Fringe Area. Further, aggregation of the subject property with adjacent properties to the east and west would eliminate the need for setback exceptions, while maintaining perimeter landscape requirements and alleviating overcrowding of the proposed improvements.

Given these considerations, denial of this request is recommended.

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